

BRANSTETTER, KILGORE, STRANCH & JENNINGS

ATTORNEYS AT LAW
227 SECOND AVENUE NORTH
FOURTH FLOOR

NASHVILLE, TENNESSEE 37201-1631

CECIL D. BRANSTETTER, SR.
C. DEWEY BRANSTETTER, JR.
RANDALL C. FERGUSON
R. JAN JENNINGS*
CARROL D. KILGORE
DONALD L. SCHOLES
JAMES G. STRANCH, III
JANE B. STRANCH

MARK A. MAYHEW

*ALSO ADMITTED IN GA

TELEPHONE
(615) 254-8801

FACSIMILE
(615) 255-5419

December 6, 2002

TN REGULATORY AUTHORITY
DOCKET ROOM

Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Re: In re: Complaint of Aeneas Communications Against Citizens Communications in
Weakley County, Tennessee

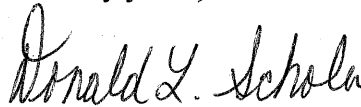
Docket No. 02-00438

Dear Chairman Kyle:

Enclosed herewith are the original and fourteen copies of a Petition to Intervene filed on behalf of NTCH - West Tenn, Inc. in the above-captioned proceeding. A check in the amount of \$25.00 is also enclosed. Please return one stamped copy to me.

Thank you for your assistance in this matter.

Sincerely yours,



DONALD L. SCHOLES

Enclosures

c: Parties of record
Sean P. Ferrell

BKSJ File No.: 02-543

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

**In re: Complaint of Aeneas
Communications Against Citizens
Communications in Weakly
County, Tennessee.**

Docket No. 02-00438

PETITION TO INTERVENE

NTCH - West Tenn, Inc. petitions the Tennessee Regulatory Authority ("TRA") to intervene as a matter of right in the above-captioned proceeding pursuant to T.C.A. § 4-5-310(b).

The above-captioned docket concerns a complaint initiated by Aeneas Communications ("Aeneas") against Citizens Communications ("Citizens") in Weakley County, Tennessee on January 29, 2002, whereby Citizens refused to route county-wide calls to the tandem switch of BellSouth. Citizens insists they should be able to send the calls over EAS trunks directly to the BellSouth end office. The BellSouth end office is not equipped to identify CLEC bound traffic and the calls are being dropped. Because the Consumer Services Division of the Tennessee Regulatory Authority ("TRA") was unable to resolve this complaint pursuant to Tenn. Code Ann. § 65-4-119, the TRA opened a contested case proceeding and appointed a hearing officer to hear the matter on the merits.

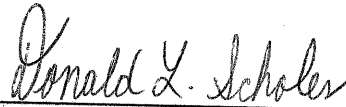
NTCH - West Tenn, Inc. holds a broadband PCS license for the Dyersburg BTA and provides wireless services in Weakley County, Tennessee. The action of Citizens which is the subject of this complaint has adversely affected the ability of landline customers in Weakley County to reach NTCH - West Tenn, Inc. mobile customers. Citizens' policy of imposing direct network connections rather than providing tandem access is anticompetitive and forces carriers to incur commercially unreasonable levels of expense to offer calling within Citizens' local calling area. The legal rights,

duties, privileges, immunities, or other legal interests of NTCH - West Tenn, Inc. may be affected or determined by the outcome of this proceeding.

Granting this petition will not impair the orderly and prompt conduct of this proceeding.

NTCH - West Tenn, Inc. therefore requests that this Petition to Intervene be granted.

Respectfully submitted,



DONALD L. SCHOLES (BPR # 10102)

BRANSTETTER, KILGORE, STRANCH & JENNINGS

227 Second Avenue North, 4th Floor

Nashville, Tennessee 37201-1631

(615) 254-8801

Attorney for the Petitioner

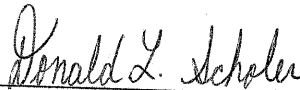
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 6th day of December, 2002.

Jim Wright, Esq.
United Telephone Southeast, Inc.
14111 Capital Boulevard
Wake Forest, NC 27587

Aeneas Communications, LLC
Jonathan Harlan
301 South Church St.
Jackson, TN 38031

Henry Walker
Boult, Cummins, Conners and Berry, PLC
414 Union Street, Suite 1600
P. O. Box 198062
Nashville, TN 37219



Donald L. Scholes